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On 1/31/02



TOWNSEND and TOWNSEND and CREW LLP

By: Patricia Anders

0360 JF  
PATENT  
Attorney Docket No.: 015280-413100US  
Client Reference No.: E-093-00/1  
*Box secy*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

BARRY et al.

Application No.: 09/888,320

Filed: June 22, 2001

For: METHODS OF DIAGNOSING  
MULTIDRUG RESISTANT  
TUBERCULOSIS

Examiner: Not yet assigned

Art Unit: 1645

**TRANSMITTAL LETTER -RESPONSE  
TO NOTICE OF INCOMPLETE REPLY**

Attn: Box SEQUENCE  
Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Pursuant to the Notice of Incomplete Reply (Nonprovisional Application), dated January 17, 2002, enclosed are the following to be made of record in the above-identified application:

- 1) Petition to Extend Time (4 months)
- 2) Communication Under 37 CFR sections 1.821-1.825 and Preliminary Amendment
- 3) Computer Readable Disk
- 4) Sequence Listing
- 5) Copy of Notice of Incomplete Reply

BARRY et al.  
Application No.: 09/888,320  
Page 2

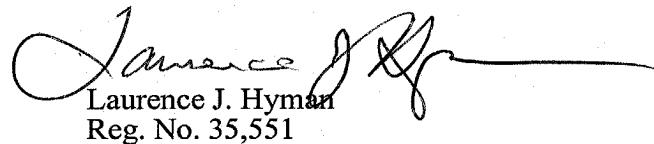
PATENT

As noted, this submission contains an electronic copy of a sequence listing. The "Questions and Answers Concerning Postal Service Emergency," posted on the PTO's website on January 28, 2002, directs Applicants that all filings of sequence listings in electronic form be mailed to Box Sequence. Pursuant to these instructions, this Response is accordingly being mailed to the above Box SEQUENCE address rather than to Box Missing Parts.

Please charge Deposit Account No. 20-1430 for the following fees: Petition to Extend Time, \$1,440.00.

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,



Laurence J. Hyman  
Reg. No. 35,551

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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LJH:pja

SF 1313289 v1

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# OPI FEE TRANSMITTAL for FY 2001

FEB 05 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1440

Complete if Known	
Application Number	09/888,320
Filing Date	June 22, 2001
First Named Inventor	Barry, Clifton E.
Examiner Name	Not yet assigned
Group Art Unit	1645
Attorney Docket No.	015280-413100US

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number	20-1430
Deposit Account Name	Townsend and Townsend and Crew LLP
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	
2. <input type="checkbox"/> Payment Enclosed:	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other	

## FEE CALCULATION (continued)

Large Entity Fee Code (\$)	Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205	Surcharge - late filing fee or oath	
127	50	227	Surcharge - late provisional filing fee or cover sheet	
139	130	139	Non-English specification	
147	2,520	147	For filing a request for reexamination	
112	920*	112	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	Requesting publication of SIR after Examiner action	
115	110	215	Extension for reply within first month	
116	400	216	Extension for reply within second month	
117	920	217	Extension for reply within third month	
118	1,440	218	Extension for reply within fourth month	
				1440
128	1,960	228	Extension for reply within fifth month	
119	320	219	Notice of Appeal	
120	320	220	Filing a brief in support of an appeal	
121	280	221	Request for oral hearing	
138	1,510	138	Petition to institute a public use proceeding	
140	110	240	Petition to revive - unavoidable	
141	1,280	241	Petition to revive - unintentional	
142	1,280	242	Utility issue fee (or reissue)	
143	460	243	Design issue fee	
144	620	244	Plant issue fee	
122	130	122	Petitions to the Commissioner	
123	50	123	Petitions related to provisional applications	
126	180	126	Submission of Information Disclosure Stmt	
581	40	581	Recording each patent assignment per property (times number of properties)	
146	740	246	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	Request for Continued Examination (RCE)	
169	900	169	Request for expedited examination of a design application	
			Other fee (specify)	

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

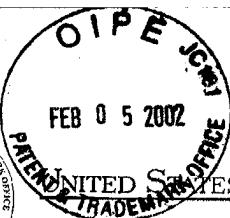
(\$1440)

\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY					
Name (Print/Type)	Laurence J. Hyman	Registration No. (Attorney/Agent)	35,551	Telephone	415-576-0200
Signature			Date	1/31/02	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. SF 1313304 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/888,320	06/22/2001	Clifton E. Barry III	015280-413100US

20350  
 TOWNSEND AND TOWNSEND AND CREW, LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CA 94111-3834

**CONFIRMATION NO. 7214**  
**FORMALITIES LETTER**



\*OC000000007325666\*

Date Mailed: 01/17/2002

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

***Filing Date Granted***

The U.S. Patent and Trademark Office has received your reply on 01/07/2002 to the Notice to File Missing Parts (Notice) mailed 08/21/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*filed*  

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE